

### Development and processing time for regulations.

The time periods shown below reflect all of the steps prescribed for regulation development and processing except for the steps provided for review by the Secretary of Natural Resources' Office and the Governor's Office, for which the time is not defined and is therefore variable.

The 180 days for the "proposed regulation development period" includes the time (i) for the DEQ staff and ad hoc groups (if any) to work on drafting the regulation and associated supporting documentation and to obtain internal DEQ review; (ii) for the Assistant Attorney General to review and approve the regulation; and (iii) for the Board to review and approve the regulation. The 120 days for the "final regulation time period" includes the time (i) for the DEQ staff to respond to the public comments, to work on revising the regulation and associated supporting documentation, and to obtain internal DEQ review; (ii) for the Assistant Attorney General to review and approve the regulation; and (iii) for the Board to review and approve the regulation.

Subsets of time periods are not included in the total. Except for those marked by *italics* or **bold**, the time periods are specifically mandated in the state code or in a policy or procedure promulgated by a legal entity external to Department. Time periods in *italics* are based on historical experience, although the associated steps are mandated. Time periods in **bold** are based on DEQ internal policy, although the associated steps are mandated.

STEP	TIME PERIOD TO ACCOMPLISH
Preliminary determination in executive review - Preliminary determination reviewed by Department of Planning and Budget - Preliminary determination reviewed by Secretary of Natural Resources - Preliminary determination reviewed by Governor's Office	Variable - 14 days  - <i>Variable</i>  - <i>Variable</i>
Transmit Notice of Intended Regulatory Action (NOIRA) to Registrar of Regulations	14 days
Lead time to publish NOIRA in Virginia Register	20 days
Public comment period on NOIRA	30 days
Proposed regulation development period - Proposed regulation reviewed by Assistant Attorney General  - Proposed regulation reviewed by Board	180 days - <i>20 days</i> - <b>28 days</b>
Proposed regulation in executive review - Economic and policy analysis prepared by Department of Planning and Budget - Proposed regulation reviewed by Secretary of Natural Resources - Proposed regulation reviewed by Governor's Office	Variable - 45 days  - <i>Variable</i>  - <i>Variable</i>
Transmit public comment notice and proposed regulation to Registrar	14 days
Lead time to publish Public Comment Notice and proposed regulation in Virginia Register	20 days
Public comment period on proposed regulation	60 days
Final regulation development period - Final regulation reviewed by Assistant Attorney General - Final regulation reviewed by Board	120 days - <i>10 days</i> - <b>28 days</b>
Lead time to publish final regulation in Virginia Register	20 days
Final review period on regulation	30 days
Regulation becomes effective	
<b>TOTAL MINIMUM TIME FOR PROCESSING</b>	567 days OR 81 weeks OR 19 months

***Regulatory processing timeframes and waivers under Executive Order Number 25(98).***

Under the provisions of section 9-6.14:9.1 of the Administrative Process Act (APA), each Governor is to adopt by executive order procedures for review of all proposed regulations. This is to be done by June 30 of the year the Governor takes office. On June 30, 1998, Executive Order Number 25(98) was issued to meet the requirements of the Code. This executive order defines the executive review process as described above, and prescribes the procedures which must be followed by state agencies in the development and review of regulations and associated support documents. Included in the executive order are provisions which limit the time by which the Department of Planning and Budget (DPB) must complete their review of regulatory documents and by which regulatory agencies must complete the development of proposed and final regulations.

A proposed regulation document package must be delivered to the cabinet secretary and DPB within 180 days of the close of the 30-day Notice of Intended Regulatory Action (NOIRA) comment period. During this 180-day period the ad hoc group, if any, must complete their work and the agency must prepare responses to any public comments and gain the approval of the proposed regulation by the Attorney General's Office and the Board.

A final regulation document package must be delivered within 120 days of the close of the 60-day public comment period. During this 120-day period the agency must prepare responses to any public comments and gain the approval of the final regulation by the Attorney General's Office and the Board.

The executive order also includes a provision whereby an agency that does not meet the timeframes may request a waiver from the Governor's Office.